THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1950 OF 2005

Date: 07.10.2005

Between:

G. Janardhana Rao

... Appellant

and

The APSRTC rep. By its Vice Chairman & Managing Director, Mushirabad, Hyderabad & others.

..... Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL NO.1950 OF 2005

-

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel for the appellant and the learned standing counsel appearing on behalf of the Corporation.

In this appeal, the appellant seeks to assail the order, dated 02.09.2005,

passed in W.P.No.5760 of 2003. He filed the writ petition challenging the orders terminating his services, on the ground that since he was acquitted in the criminal case, he is entitled to the benefit of doubt in the departmental enquiry also. However, the said plea was not found favour by the learned Single Judge.

A perusal of the material available on record clearly discloses that the appellant has approached this Court directly by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India, without availing the remedy as is available to him under the Industrial Disputes Act, 1947. In view of the same, we do not find any reason to show indulgence.

The writ appeal is, therefore, dismissed with liberty to the appellant to approach the Tribunal concerned by initiating t h e proceedings under the provisions of the Industrial Disputes Act. There shall be no order as to costs.

-------- ----------

(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

ksld

Dt.07.10.2005